

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Paul J. Thompson Art Group: 3738
Serial No.: 09/761,512 (Prior Appl.) Examiner: Paul Prebilic (Prior Appl.)
Serial No.: (New Appl.) Atty. Docket: 23,369-153
Filed: July 15, 2003
For: Three-Dimensional Braided Covered Stent

REQUEST FOR DIVISIONAL APPLICATION UNDER 37 CFR 1.53(b)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request under 37 CFR 1.53(b) for filing a Divisional Application (Divisional) of copending prior application Serial No. 09/761,512, filed January 16, 2001.

A. Application in the form intended for publication

The accompanying divisional application includes the following items:

specification (amended) - 25 pages;
claims (including new claims) - 7 pages;
abstract - 1 page;
formal drawings - 4 sheets; and
declaration and power of attorney (copy) - 2 pages.

This application does not contain any subject matter that would have been new matter in prior application Serial No. 09/761,512, which application is incorporated by reference in this application. A copy of prior application Serial No. 09/761,512 is not enclosed.

B. Amendments

The prior application is amended by canceling original claims 1-53, and by adding new claims 54-94. Accordingly, the filing fee is calculated based upon claims 54-94.

C. Title

1. The title of the original application is:

Three-Dimensional Braided Covered Stent

2. The title of this application is:

Three-Dimensional Braided Covered Stent

D. Identification of Inventors

1. The name and correspondence address of the original inventor:

Paul J. Thompson
9125 40 1/2 Avenue North
New Hope, Minnesota 55427

2. Name and current correspondence address of each present inventor:

Paul J. Thompson
9125 40 1/2 Avenue North
New Hope, Minnesota 55427

E. Inventorship

This application discloses and claims only subject matter disclosed in the prior application.

The inventorship in this application is the same as in the prior application.

F. Waiver of Confidentiality

It is understood that confidentiality under 35 U.S.C. 122 is hereby waived to the extent that permitted access to any one of the applications in the file wrapper of a continuing application, be it either this application or a prior application in the same file wrapper, results in similar access to all the other applications in the same file wrapper.

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Paul J. Thompson

Art Group: 3738

Serial No.: 09/761,512 (Prior Appl.)

Examiner: Paul B. Prebilic
(Prior Appl.)

Serial No.: (New Appl.)

Docket No. 23,369-153

Filed:

For: Three-Dimensional Braided Covered Stent

TRANSMITTAL

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed for filing are the following items:

1. Request for Divisional Application Under 37 CFR 1.53(b) (5 pages);
2. Divisional Application, consisting of 25 pages of text; 7 pages of claims; 1 page of Abstract and 4 sheets of drawings;
3. Copies of (a) Declaration, Power of Attorney and Petition (signed), and (b) Appointment of Attorneys filed in prior application;
4. Statement Regarding Divisional Application (2 pages);
5. Check in the amount of \$1,128.00; and
6. Return Receipt Post Card.

Statement of incorporation by reference - MPEP Section 201.06(c): The subject matter of prior application Serial No. 09/761,512 is hereby incorporated by reference in the present application.

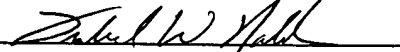
Please charge any further fees necessitated by this correspondence, or refund any overpayment, to Deposit Account No. 12-0449.

Please direct any questions or comments to Frederick W. Niebuhr at 952-896-1574.

Respectfully submitted,

Boston Scientific Scimed, Inc.

Dated: July 15, 2003

By: 
Frederick W. Niebuhr
Reg. No. 27,717



23452

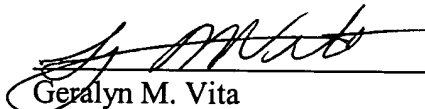
PATENT TRADEMARK OFFICE

CERTIFICATE OF EXPRESS MAILING

Pursuant to 37 CFR 1.10, I hereby certify that this Transmittal and accompanying Request for Divisional Application, divisional application entitled "Three-Dimensional Braided Covered Stent" including 4 formal drawing sheets, copy of Declaration, Power of Attorney and Petition, Statement Regarding Divisional Application, and check in the amount of \$1,128.00 in payment of the filing fee, are being deposited with the U.S. Postal Service by Express Mail, Post Office to Addressee service, addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of deposit and under the mailing label number indicated below.

Date of Deposit: July 15, 2003

Mailing Label No.: EL895073237US


GERALYN M. VITA

G. Declaration

A copy of a Declaration and Power of Attorney, executed by Paul J. Thompson April 25, 1996 and filed in the original application, is enclosed herewith.

H. Small Entity Status

Not applicable.

I. Formal Drawings

The application as intended for publication (Item A above) includes four (4) sheets of formal drawings, for use in lieu of the informal drawings as originally filed.

J. Fee Calculation

CLAIMS FOR FEE CALCULATION

Basic Fee (Large entity)	\$750.00
Number of independent claims, minus 3 = 0 times \$84.00	0.00
Total number of claims in excess of 20 = 21 times \$18.00	<u>378.00</u>
Total Filing Fee	\$1,128.00

K. Fee Payment

A check in the amount of \$1,128.00 is enclosed in payment of the filing fee.

L. Authorization Regarding Fees

The Commissioner is hereby authorized to charge any additional fees listed in 37 CFR 1.16 and 1.17 which may be required by this Rule 53 filing, or credit any overpayment, to Deposit Account No. 12-0449.

M. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

Not applicable.

N. Priority - 35 U.S.C. 119

Not applicable.

O. Reference to Prior Application(s) - 35 U.S.C. 120

Amend the specification by inserting before the first line, the sentence: -- This is a divisional of copending prior application Serial No. 09/761,512, filed January 16, 2001 as a divisional of application Serial No. Serial No. 09/198,558 (now U.S. Patent No. 6,342,068), filed November 23, 1998 as a Continuation of application Serial No. 08/920,542 (now abandoned), filed August 27, 1997 as a divisional of application Serial No. 08/640,091 (now U.S. Patent No. 5,718,159), filed April 30, 1996. --.

See Item S below as to copendency.

P. Assignment

An assignment of the original application was recorded July 29, 1996 on Reel 8055, beginning at Frame 0842.

Q. Power of Attorney

1. The most recent Power of Attorney in the prior application was filed October 10, 2000, appointing: Luke R. Dohmen, Registration No. 36,783; Peter J. Gafner, Registration No. 36,517; Robert M. Rauker, Registration No. 40,782; Todd P. Messal, Registration No. 42,883; David L. Cavanaugh, Registration No. 36,476; Mark J. Casey, Registration No. 37,796; William J. Shaw, Registration No. 43,111; Albert K. Kan, Registration No. 40,672; Steven A. McAuley, Registration No. 46,084; and Scott T. Biuni, Registration No. 40,916; and further appointing Frederick W. Niebuhr, Registration No. 27,717; Alia R. Champlin, Registration No. 36,251; James Hakomaki, Registration No. 35,037; John F. Klos, Registration No. 37,162, as attorneys/agents to prosecute the application and transact all business in the U.S. Patent and Trademark Office connected therewith.

A copy of this Power of Attorney is enclosed herewith.

2. Direct all future communications regarding this application to:

Frederick W. Niebuhr
Registration No. 27,717



23452

PATENT TRADEMARK OFFICE

Telephone No. (952) 896-1574

R. Petition for Extension of Time in Prior Application

Not applicable.

S. Cependency of Applications

The prior application has been allowed and the issue fee has been paid.

The prior application is expected to issue in due course. Please assign to this divisional application a filing date to insure its cependency with the prior application.

T. Information Disclosure Statement

No Information Disclosure Statement is being filed at this time.

Respectfully Submitted,
Boston Scientific Scimed, Inc.

Dated: July 15, 2003

By: _____

Frederick W. Niebuhr
Reg. No. 27,717



23452

PATENT TRADEMARK OFFICE

Direct Telephone: (952) 896-1574

CERTIFICATE OF EXPRESS MAILING

Pursuant to 37 CFR 1.10, I hereby certify that this Request for Divisional Application (of application Serial No. 09/761,512) and accompanying papers are being deposited with the U.S. Postal Service by Express Mail, Post Office to Addressee service, addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of deposit and under the mailing label number indicated below.

Date of Deposit: July 15, 2003

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Geraldyn M. Vita